

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

INNOVATIVE GLOBAL SYSTEMS LLC,

Plaintiff,

VS.

VOLVO CONSTRUCTION EQUIPMENT
NORTH AMERICA, INC., VOLVO TRUCKS
NORTH AMERICA, INC., KOMATSU
AMERICA CORP., CATERPILLAR, INC.,
HYUNDAI CONSTRUCTION EQUIPMENT
AMERICAS, INC., TOPCON TIERRA,
STARTRAK SYSTEMS, LLC, WIRELESS
MATRIX USA, LLC, JLG INDUSTRIES
INC., TYLER TECHNOLOGIES, INC.,
GEOTAB, INC., and NAVISTAR, INC.,

Defendants.

~~~~~

CIVIL ACTION NO. 6:10-cv-00327-LED

## JURY TRIAL DEMANDED

**PLAINTIFF’S RESPONSE TO THE COUNTERCLAIMS OF  
DEFENDANT TYLER TECHNOLOGIES, INC.**

Plaintiff INNOVATIVE GLOBAL SYSTEMS LLC (“Plaintiff”) responds to the counterclaims of Defendant TYLER TECHNOLOGIES, INC. (“Defendant”) filed August 31, 2010, as follows:

## COUNTERCLAIMS

47. No response to Paragraph 47 is necessary.
48. Plaintiff admits the allegations in Paragraph 48.
49. Plaintiff admits the allegations in Paragraph 49.

**COUNT ONE**

**(Declaratory Judgment of Non-Infringement of the Patents-in-Suit)**

- 50. Plaintiff incorporates Paragraphs 47-49 above.
- 51. Plaintiff admits the allegations in Paragraph 51.
- 52. Plaintiff denies the allegations in Paragraph 52.

**COUNT TWO**

**(Declaratory Judgment of Invalidity of the Patents-in-Suit)**

- 53. Plaintiff incorporates Paragraphs 47-52 above.
- 54. Plaintiff denies the allegations in Paragraph 54.

**COUNT THREE**

**(Declaratory Judgment of Unenforceability of the Patents-in-Suit)**

- 55. Plaintiff incorporates Paragraphs 47-54 above.
- 56. Plaintiff denies the allegations in Paragraph 56.

**PRAYER FOR RELIEF**

Although no answer is required to Defendant's request for relief, Plaintiff denies all allegations of Paragraphs (a) through (g) and further denies that any relief should be granted to Defendant.

Plaintiff demands a trial by jury on all matters raised by Defendant's counterclaims and by Plaintiff in its Original Complaint (and any supplements or amendments thereto).

**Dated: September 24, 2010.**

Respectfully submitted,

/s/ Michael T. Cooke  
State Bar No. 04759650  
Jonathan T. Suder  
State Bar No. 19463350  
Todd I. Blumenfeld  
State Bar No. 24067518  
FRIEDMAN, SUDER & COOKE  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, Texas 76102  
(817) 334-0400  
Fax (817) 334-0401  
[jts@fsclaw.com](mailto:jts@fsclaw.com)  
[mtc@fsclaw.com](mailto:mtc@fsclaw.com)  
[Blumenfeld@fsclaw.com](mailto:Blumenfeld@fsclaw.com)

Keith A. Rutherford  
R. Scott Reese  
Sarah R. Cabello  
WONG, CABELLO, LUTSCH,  
RUTHERFORD & BRUCCULERI, LLP  
20333 SH 249, Suite 600  
Houston, TX 77070  
(832) 446-2400  
Fax (832) 446-2424  
[krutherford@counselip.com](mailto:krutherford@counselip.com)  
[sreese@counselip.com](mailto:sreese@counselip.com)  
[scabello@counselip.com](mailto:scabello@counselip.com)

Eric M. Albritton  
ERIC M. ALBRITTON, P.C.  
P.O. Box 2649  
111 West Tyler Street  
Longview, TX 75601  
(903) 757-8449 x204  
Fax (903) 758-7397  
[ema@emafirm.com](mailto:ema@emafirm.com)

**ATTORNEYS FOR PLAINTIFF  
INNOVATIVE GLOBAL SYSTEMS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of September, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke

n:\clients\mj\ves\volvo-05\pleadings\cc reply - tyler technologies.docx